

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NICHOLAS ROLOVICH,

Plaintiff,

v.

WASHINGTON STATE
UNIVERSITY, an agency of the State
of Washington; PATRICK CHUN,
Director of Athletics for Washington
State University, in his individual
capacity; and JAY INSLEE,
Governor, in his official capacity,

Defendants.

NO: 2:22-CV-0319-TOR

ORDER GRANTING RULE 54(b)
JUDGMENT

BEFORE THE COURT is Defendant Governor Jay Inslee's Unopposed Motion for Rule 54(b) Judgment. ECF No. 37. This matter was submitted for consideration without oral argument. The Court has reviewed the record and files herein and is fully informed.

DISCUSSION

On May 30, 2023, this Court granted Defendant Governor Jay Inslee’s Motion to Dismiss. ECF No. 33. Plaintiff did not oppose the dismissal. ECF No. 28 at 8, n.1.

Defendant now seeks to have a final judgment entered.

Rule 54(b) allows courts to “direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay.” “[I]n deciding whether there are no just reasons to delay the appeal of individual final judgments [. . .], a district court must take into account judicial administrative interests as well as the equities involved. Consideration of the former is necessary to assure that application of the Rule effectively ‘preserves the historic federal policy against piecemeal appeals.’” *Curtiss-Wright Corp. v. Gen. Elec. Co.*, 446 U.S. 1, 8 (1980) (citation omitted).

Rule 54(b) has a proper place. The Rule was adopted “specifically to avoid the possible injustice of delaying judgment on a distinctly separate claim pending adjudication of the entire case. . . .” *Jewel v. Nat’l Sec. Agency*, 810 F.3d 622, 628 (9th Cir. 2015) (internal brackets omitted, citing *Gelboim v. Bank of Am. Corp.*, 135 S.Ct. 897, 902–03(2015)). An appeal should not be certified if interlocutory review is more likely to cause additional delay than it is to ameliorate delay problems.

1 Here, there is no dispute that Plaintiff did not object to the dismissal of
2 Governor Inslee. There is no reason to delay a judgment in his favor.

3 **ACCORDINGLY, IT IS HEREBY ORDERED:**

4 1. Defendant Governor Jay Inslee's Unopposed Motion for Rule 54(b)
5 Judgment, ECF No. 37, is **GRANTED**.

6 2. Pursuant to F. R. Civ. P. Rule 54(b), the Clerk of Court shall enter a
7 partial judgment of dismissal with prejudice in favor of Defendant
8 Governor Jay Inslee.

9 The District Court Clerk is directed to enter this Order and Judgment
10 accordingly and provide copies to counsel. **The file remains OPEN.**

11 DATED July 27, 2023.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
United States District Judge